

**Notice of Allowability**

Application No.

10/724,029

Examiner

Matt P. Hodges

Applicant(s)

ERCHAK ET AL.

Art Unit

2879

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to request for reconsideration filed 1/17/2006.
2. ☒ The allowed claim(s) is/are 1-4, 7-17, 19-21, 25-29 and 37-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>1/03/2006</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 1/17/2006 has been entered.

### ***Allowable Subject Matter***

Claims 1-4, 7-17, 19-21, 25-29, and 37-59 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation a light emitting device where a first layer has a pattern of holes that is configured to collimate the light more than a Lambertian distribution. Further the pattern has an ideal lattice constant and a detuning parameter with a value greater than zero. The closest prior art, Rastani '041, discloses the use of a hole pattern formed on the surface of a light emitting layer that collimates light greater than a Lambertian distribution, however does not appear to provide for the use of a detuned lattice pattern of holes formed on the first surface of a light-emitting device in that pattern.

Regarding claims 2-4, 7-17, 19-21, and 28, claims 2-4, 7-17, 19-21, and 28 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

Regarding claim 25, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 25, and specifically comprising the limitation of a wafer including a plurality of light emitting devices where each device includes a support, a light generating region, and a first layer, where the first layer has a pattern of holes that is configured to collimate the light more than a Lambertian distribution. Further the dielectric function of the first layer varies spatially according to a quasicrystalline pattern.

Regarding claims 26, 27, and 29, claims 26, 27, and 29 are allowable for the reasons given in claim 25 because of their dependency status from claim 25.

Regarding claim 37, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 37, and specifically comprising the limitation a light emitting device including a support, light generating region, and a first layer, where the first layer has a pattern of holes that is configured to collimate the light more than a Lambertian distribution. Further the dielectric function of the first layer varies spatially according to a quasicrystalline pattern.

Regarding claims 38-54, claims 38-54 are allowable for the reasons given in claim 37 because of their dependency status from claim 37.

Regarding claim 55, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 55, and specifically comprising the limitation of a wafer including a plurality of light emitting devices where each device includes a support, a light generating region, and a first layer, where the first layer has a pattern of holes that is configured to collimate the light more than a Lambertian distribution. Further the pattern has an ideal lattice constant and a detuning parameter with a value greater than zero.

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Regarding claims 56-59, claims 56-59 are allowable for the reasons given in claim 55 because of their dependency status from claim 55.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

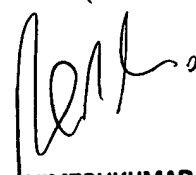
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt P Hodges whose telephone number is (571) 272-2454. The examiner can normally be reached on 7:30 AM to 4:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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